



#5  
Petition to Withdraw  
Abandonment  
MS PETITION  
PATENT  
1248-0518P  
6/23/03

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: S. UCHISAKO et al. Conf.: 8291  
Appl. No.: 09/670,840 Group: 2861  
Filed: September 28, 2000 Examiner: NGUYEN, J  
For: INK JET PRINTER

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW THE HOLDING OF ABANDONMENT  
(OFFICE ACTION NOT RECEIVED)

RECEIVED

MS PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

JUL 01 2003

May 14, 2003

OFFICE OF THE SPECIAL  
PROGRAMS EXAMINER

Sir:

In response to the Notice of Abandonment dated March 14, 2003, Applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated March 14, 2003 indicates that this application was abandoned in view of the Applicant's failure to respond to an Office Action mailed on August 27, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of August 27, 2002 was never received. The offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

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MAY 20 2003  
TECHNOLOGY CENTER 2336

The fact that the Office Action of August 27, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits A and B attached hereto.

**Exhibit A** is a copy of the front page of the file jacket for Appl. No. 09/670,840 (which corresponds to Attorney Docket No. 1248-0518P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated August 27, 2002 on the front page of the file jacket of the above-referenced application.

**Exhibit B** is a copy of the computer-generated docket record for Appl. No. 09/670,840 (which corresponds to Attorney Docket No. 1248-0518P). It is the policy in our office to docket all due dates for Office Actions received from the USPTO into the docket record for each application. As the Petitions Examiner will note, there is no entry for responding to an Office Action by the due date of September 27, 2002 in the docket record for Appl. No. 09/670,840.

The undersigned certifies that he has reviewed the front page of the file jacket and the computer-generated docket record for Appl. No. 09/670,840 and did not locate an entry for an Office Action dated August 27, 2002 and a docketed due date of September 27, 2002 for responding to that Office Action.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was

unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated August 27, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition. In the event that a petition fee is deemed necessary by the USPTO, it is respectfully requested that the fee of \$130.00 as set forth in 37 C.F.R. § 1.17(h)(1) be charged to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Terrell C. Birch, #29,382

TCB/pjh  
1248-0518P

P.O. Box 747  
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Attachments:	Exhibit A:	Copy of front of File Jacket for Appl. No. 09/670,840
	Exhibit B:	Copy of Docket Record for Appl. No. 09/670,840